

REMARKS

By this response, Applicants amend Claim 13 and, therefore, Claims 13-17 are pending in the present Application. In view of the above amendment and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Claims 13-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,906,004 to Lebby, et al. [*Lebby*]. Applicants' assert that *Lebby* does not anticipate the flexible strap claimed by Applicants. Claim 13, as amended, recites "a flexible strap configured and sized to secure onto a wearer, the flexible strap comprising a non-woven holographic layer covering at least a portion of the strap's visible exterior surface," which is neither expressed nor implicit in the teachings of *Lebby*.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Lebby teaches a *woven* textile *fabric* 10, in which a plurality of electrically conductive fibers, or metallic threads, 12 and a plurality of non-electrically conductive fibers, or non-metallic threads 14, are *woven orthogonal* so as to define a simple grid system (*Lebby*, col. 3, lines 41-45). *Lebby* teaches that the non-electrically conductive fibers *woven* into the *fabric* can be a plurality of holographic optical *fibers* 24, that also are *woven* into a textile *fabric* (See, *Lebby*, col. 4, line 21 to col. 5, line 34).

Lebby does not teach or suggest a flexible strap as Applicants recite, in patient part, in amended independent Claim 13, but merely a *woven fabric*. *Lebby* does not teach or suggest a flexible strap that is configured and sized, as Applicants recite, in patient part, in amended independent Claim 13, but merely a woven fabric. Also, *Lebby* teaches a woven fabric but does not teach or suggest a flexible strap configured and sized to secure onto a wearer, as Applicants recite, in patient part, in amended independent Claim 13. Furthermore, Applicants point out that *Lebby* does not teach a suggest flexible strap, configured and sized to secure onto a wearer, comprising a non-woven holographic layer, as Applicants recite, in patient part, in amended independent Claim 13.

Finally, Applicants respectfully point out to the Examiner that amended independent Claim 13 recites wearable article of clothing comprising a flexible strap configured and sized to secure onto a wearer, flexible strap comprising a non-woven holographic layer covering at least a portion of the strap's visible exterior surface. By comparison, *Lebby* teaches a textile *fabric*, which may include holographic optical *fibers*, that are *woven orthogonal* so as to define a *simple grid system*. *Lebby* does not implicitly or inherently teach Applicants' claimed subject matter.

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Therefore, because each and every element as set forth in the claim is *not* found, either expressly or inherently described, in *Lebby*, Applicants respectfully submit that amended independent Claim 13 is not anticipated *Lebby*, and that Claim 13 is patentably distinct over *Lebby*. Claims 14-17 properly depend from Claim 13 and are likewise patentable over *Lebby*. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of Claims 13-17 under 35 U.S.C. § 102(b).

By this Response, Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. No additional search is indicated or warranted. Applicants consider the amendatory language of Claim 13 to be fully within scope of any previous searches encompassing the broadest reasonable interpretation consistent with the specification, *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997), as well as within the breadth or scope of the Parent Application, as well as of one or more variant but anticipatory embodiments.

Accordingly, Applicants respectfully submit that Claims 13-17 are in proper form for allowance, or in better condition for appeal. Reconsideration and withdrawal of the rejections are respectfully requested and a timely Notice of Allowance is kindly solicited.

If there are any questions regarding any aspect of the application, please call the undersigned at (949) 752-7040.

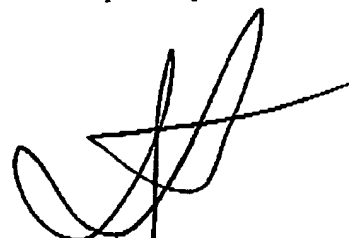
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Respectfully submitted,



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